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GOVERNMENT OF KERALA

Public Works (Transport-B) Department

NOTIFICATION

No. 31724/TB1/75/PW. *Dated, Trivandrum, 24th June* 1976.

The following draft of certain amendments to the Kerala Motor Vehicles Rules, 1961, which the Government of Kerala proposes to make in exercise of the powers conferred by sections 21, 21J and 41 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) is hereby published for general information as required by sub-section (1) of section 133 of the said Act.

Notice is hereby given that the said draft will be taken up for consideration on or after 26-7-1976.

Objections or suggestions, if any, which may be received in respect of the said draft will be considered by the Government. Objections and suggestions shall be addressed to the Secretary to Government, Public Works (Transport-B) Department, Secretariat, Trivandrum.

DRAFT AMENDMENTS

In the said Rules,—

1. in rule 2, after clause (h), the following Clauses shall be inserted, namely:—

"(h h) 'Motorised cycle' means a bicycle which is mechanically propelled by an engine fitted to it and the unladen weight of which does not exceed 100 Kgs.;

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(hhh) 'motorised cycle-rickshaw' means a Cycle-rickshaw having three wheels which is mechanically propelled by an engine fitted to it and which is constructed, adopted or used either to carry not more than two persons excluding the driver, or for the transport of goods whether for hire or reward or not";

2. to rule 6, the following proviso shall be added, namely:—

"Provided that the fee for a learner's licence to drive a motorised cycle or motorised cycle-rickshaw shall be Rs. 2.50";

3. to rule 7, the following proviso shall be added, namely:—

"Provided that the fee for renewal of a learner's licence to drive a motorised cycle or a motorised Cycle-rickshaw, shall be Rs. 2.50".

4. in rule 16,—

(a) in the second proviso to clause (i) for the words "an auto-rickshaw only", the words "an autorickshaw or a motorised cycle rickshaw" shall be substituted;

(b) in clause (ii) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that the fee payable by an applicant for the oral test for an authorisation to drive a motorised cycle-rickshaw shall be Rs. 2.50.

Provided further that no such fee shall be payable if such oral test is undergone simultaneously with any test as contemplated in the Third Schedule to the Act";

5. to rule 19, the following proviso shall be added, namely:—

"Provided that the fee payable by an applicant authorised to drive a motorised cycle rickshaw only for the issue of a badge shall be Rs. 2.50".

6. to rule 24, the following further proviso shall be added, namely:—

"Provided further that the fee payable by the applicant for the test of competence to drive a motorised cycle rickshaw, shall be Rs. 2.50";

7. to rule 46, the following proviso shall be added, namely:—

"Provided that the fee for the issue of a duplicate driving licence to an applicant authorised to drive only motorised cycles or motorised cycle rickshaw or both, shall be Rs. 2.50";

8. to sub-rule (3) of rule 49, the following proviso shall be added, namely:—

"Provided that the fee for the issue of a duplicate badge to an applicant authorised to drive motorised cycle rickshaw only shall be Rs. 2.50";

9. the Clause (a) of the proviso to sub-rule (1) of rule 104, after the words "in the case of a motor-cycle", the words "a motorised cycle, a motor rickshaw" shall be inserted;

10. in clause (a) of rule 108, after the words "for a solo motor bicycle below $3\frac{1}{2}$ horse power" occurring in column 1 thereof, the words "a motorised cycle or a motorised cycle rickshaw" shall be inserted;

11. to sub rule (4) of rule 112, the following proviso shall be added, namely:—

"Provided that the fee for a duplicate registration certificate of a motorised cycle or a motorised Cycle rickshaw shall be Rs. 2.50";

12. to sub rule (5) of rule 113, the following proviso shall be added, namely:—
"Provided that the fee for making a note of hire purchase agreement/ hypothecation subsequent to registration or for the cancellation of an order under sub-rule (2) of this rule in respect of a motorised Cycle or a motorised Cycle rickshaw, shall be Rs. 2.50";

13. in clause (a) of sub-rule (1) of rule 116, for the words "only motor cycles", the words "motor cycles, motorised cycles and motorised cycle-rickshaws" shall be substituted;

14. in clause (a) of rule 119, for the words "tricycle and invalid carriage", the words "tricycle, motorised cycle, motorised cycle rickshaw and invalid carriages" shall be substituted;

15. in sub rule (3) of rule 129, for the existing clauses (a) and (b) the following clauses shall be substituted, namely:—

"(a) for a motor cycle, motorised cycle, or a motorised cycle rickshaw— Rs. 5.

(b) for any other motor vehicle—Rs. 50";

16. in sub rule (3) of rule 131, for the existing proviso, the following provisos shall be substituted, namely:—

"Provided that the fee for recording an alteration to motorised cycle or a motorised cycle rickshaw shall be Rs. 2.50:

Provided further that for changes of particulars of Form 'G' consequent to alteration in the vehicle, no fee shall be payable";

17. in rule 138, after the existing proviso the following further proviso shall be added, namely:—

"Provided further that the fee for the grant or renewal of a certificate of fitness in respect of a motorised cycle rickshaw having a contract carriage permit or a public carrier permit, shall be 50% of the fee payable for other transport vehicles";

18. to sub-rule (1) of rule 141, the following proviso shall be added, namely:—

"Provided that the fee for issue of a duplicate certificate of fitness in respect of a motorised cycle rickshaw shall be Rs. 2.50";

19. to rule 194, the following proviso shall be added, namely:—

"Provided that the fees for the grant or renewal of a permit in respect of a motorised cycle rickshaw shall be 50% of the fees prescribed under clauses (a) to (f) above";

20. to sub-rule (1) of rule 198, the following proviso shall be added, namely:—

"Provided that in the case of motorised cycle rickshaw, the fee for the issue of a duplicate permit, Part A or Part B or both parts or of a temporary permit, shall be Rs. 2.50";

21. in rule 211, after clause (b) of sub-rule (6), the following proviso shall be added, namely:—

"Provided that the fees prescribed in sub-rule (1) clause (d) of sub-rule (5) and clause (a) of sub-rule (6) for the transfer of permit or continuance of endorsement or extension of validity of a permit as the case may be, in respect of a motorised cycle rickshaw, shall be 50% of the respective fees";

22. in clause (d) of the proviso to rule 271, after the words "motor cycles", the words "motorised cycles and motorised cycle rickshaws" shall be inserted;

23. in rule 273, after the words "other than a motor cycle", the words "motorised cycle and motorised cycle rickshaw" shall be inserted;

24. to rule 324, the following proviso shall be added, namely:—

"Provided that Clause (a) and (b) shall not be applicable in the case of a motorised cycle rickshaw converted as a motor cab";

25. to rule 325, the following proviso shall be added namely:—

"Provided that this rule shall not be applicable to a motorised cycle rickshaw converted as a motor cab";

26. in part IV A of Chapter VI for the heading "Special Rules applicable to Autorickshaws" the following heading shall be substituted, namely:—

"Special Rules applicable to Auto-rickshaws and motorised cycle rickshaws converted as motor cabs";

27. in sub-rule (4) of rule 329A, for the words "One hundred and twenty two centimeters", the words "One hundred and twenty centimeters" shall be substituted;

28. to sub-rule (6) of rule 329A, the following proviso shall be added, namely:—

"Provided that in the case of motorised cycle-rickshaw, there shall be provided a seat of the following description:—

(a) length of not less than 70 centimetres;

(b) width of not less than 38 centimetres; and

(c) back of the seat, of not less than 30 centimetres;"

29. to sub-rule (11) of rule 329A, the following proviso shall be added, namely:—

"Provided that in the case of a motorised cycle rickshaw the road clearance shall be not more than 25 centimetres".

NOTIFICATION

Whereas the Government of Kerala are satisfied that motorised cycles and motorised cycle rickshaws equipped with an efficient breaking system conforming to either of the descriptions mentioned in Schedule hereto appended can be used in any public place without any danger to public safety;

Now, therefore, in exercise of the powers conferred by sub-rule (1) of rule 409 of the Kerala Motor Vehicles Rules, 1961, the Government of Kerala hereby exempt the said classes of motor vehicles equipped with either of the breaking systems of the description given under the Schedule appended below from the provisions of Clauses a & b of sub-rule (1) of rule 270 subject to the condition that they are not driven at a speed exceeding 25 Kms. per hour.

Schedule

Description

1. One hand brake for the front wheel and one foot-operated brake acting on the axle shaft serving the effect of arresting the movement of the rear wheels.

2. Two hand brakes, one for the front wheel and the other acting on the axle shaft serving the effect of arresting the movement of the rear wheels.

NOTIFICATION

No. 31724/TB1/75/PW. *Dated, Trivandrum, 24th June,* 1976.

S. R. O. No. 680/76.—In exercise of the powers conferred by section 22 of the Kerala Motor Vehicles Taxation Act, 1976 (19 of 1976), the Government of Kerala, being satisfied that it is necessary in the public interest so to do, hereby reduce the tax payable under the said Act for the four quarters beginning from 1-7-1976 and ending with 30-6-1977 in respect of the following classes of vehicles to the amounts noted against each.

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Class of the vehicle	*Rate of quarterly Tax*
	Rs.
a. Motorised Cycle with attachment for propulsion by mechanical power	5
b. Motorised Cycle-rickshaws permitted to ply solely as contract carriage and to carry not more than two passengers	10
c. Motorised Cycle-rickshaws, constructed, adopted or used for carrying goods and having a laden weight of not exceeding 400 Kgs.	40

By order of the Governor,

T. V. Swaminathan,
Special Secretary to Government.

Explanatory Note

For the cheaper and quicker local transport and also as a measure to reduce health hazards of rickshaw pullers, it is proposed to permit the use of motorised cycles and motorised cycle rickshaws for the transport of passengers and goods. Following incentive measures adopted by certain other States, it is also proposed that 50% concession may be given in fees, charges and taxes in the case of these categories of vehicles. For this certain amendments have to be effected to the relevant rules of the Kerala Motor Vehicles Rules and exemption/reduction in tax accorded regarding the payment of taxes. This is intended to achieve the above purpose.

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